

Application Serial No. 10/624,810
Response Dated: August 1, 2006

REMARKS

Interview

The applicants thank Examiners Turocy and Meeks for their courtesy extended to applicant Yocum and the undersigned during the Office interview on July 11, 2006. The July 7, 2006, letter of record summarizes what was discussed: the differences between the "ASA" and the Jungk prior art reference (which are essential to each present rejection on prior art) versus the present invention, and why it would not be obvious to a person of ordinary skill to combine this prior art to re-create the present invention, at the time the present invention was made.

Inventor Yocum showed the Examiners a cured concrete sample made according to the invention, a pigment dispersion with a polymer binding agent as used in the present invention, and pigment granules made according to the Jungk patent of record. Mr. Yocum discussed differences between the color dispersions according to the present invention and the prior color dispersions Anchor tested that failed to adhere adequately to concrete. The color dispersions that failed in Anchor's tests included pigment granules made according to the Jungk patent, combined with water to form a dispersion.

Agreement was reached that amendments to the independent claims incorporating the language of the specification on page 14, lines 14-17, identifying the function of the polymer binding agent, would make the claims allowable, based on the prior art presently of record. Agreement was also reached that the "whereby" clause of claim 11 can be deleted in view of the amendment to the active steps in the claim.

Status of Claims

Claims 1-24 and 26-35 are presently pending in the present application, with claim 25 having been withdrawn without prejudice pursuant to a restriction requirement. Independent claims 1 and 11, as well as dependent claim 15, have been amended to recite the language from page 14, lines 14-17 of the original specification. Claims 26-33 are new dependent claims reciting the individual elements of the Markush group of claim 12 independently. The Markush group itself is supported from page 13, line 19, to page 14, line 8. Claim 34 is a dependent claim reciting the last element of the Markush group of claim 12 (the mixture). A mixture of

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more than one of the polymers listed in claim 12 is supported, for example, at page 13, lines 9-10. Dependent claim 35 adds the language of page 14, lines 14-17 of the original specification to claim 3, respecting the second spray color dispersion. No new matter has been added as a result of these amendments.

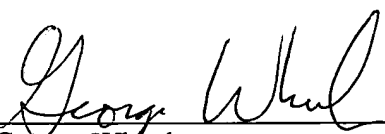
Conclusion

In view of the points mentioned above, the Applicants submit that the currently pending claims are in condition for allowance. The Applicants therefore request that the Examiner allow all of the pending claims.

The Commissioner is hereby authorized to charge any additional fees that may presently required, or credit any overpayment, to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Dated: August 1, 2006



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